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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

*Promoting the wise use of land
Helping build great communities*

MEETING DATE October 13, 2005	CONTACT/PHONE James Lopes 781-5975	APPLICANT Gilder Trust	FILE NO. TRACT 2524 File S030109T
SUBJECT Proposal by the James and Delores Gilder Trust for a Vesting Tentative Tract Map to allow for the subdivision of a 40-acre site into eight five-acre parcels for sale and the development of residences. The project is located on the east side of Albert Way, approximately 1,320 feet south of Willow Road, adjacent to the north side of the Woodlands Village Area, in the South County planning area.			
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2524 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 1, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, biological resources, noise and water supply, and are included as conditions of approval.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-201-054 & 055	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: Section 22.112.040.A.1 – Rural Area Circulation Section 22.112.040.G.1 - Residential Rural Areawide			
LAND USE ORDINANCE STANDARDS: Section 22.22.060 – Residential Rural subdivision standards			
EXISTING USES: Vacant - eucalyptus grove			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural; residential <i>East:</i> Residential Rural; residential <i>South:</i> Recreation; residential <i>West:</i> Residential Rural; agricultural nursery			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD	
TOPOGRAPHY: Gently rolling	VEGETATION: Grasses; eucalyptus trees
PROPOSED SERVICES: Water supply: Shared water well system Sewage Disposal: Individual septic systems Fire Protection: CDF/County Fire	ACCEPTANCE DATE: October 20, 2004

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.22.060 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Rural land use category. The standards are based on the distance from an urban area, fire response time, type of access serving the property and the topography of the site. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for five-acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Remoteness	0 – 5 miles from the Nipomo urban reserve line	5 acres
Fire Hazard/ Response Time	Within the 15 minute response time In the high fire hazard area	5 acres
Access	Located on a public 60-foot right-of-way	5 acres
Slope	Average slope is between 0 - 15%	5 acres

Secondary Dwellings

Title 22, the Land Use Ordinance, allows secondary dwellings with certain exclusions and restrictions.

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards – Real Property Division Ordinance

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of Title 21, the Real Property Division Ordinance, except for the following:

- Section 21.03.010 (c)(3) - Lot 4 exceeds the 3:1 maximum depth to width ratio that is required by this section, because the parcel is at the rear and adjacent to a required curvilinear cul-de-sac, and wider front parcels are necessary to accommodate the cul-de-sac design, an ag buffer and adequate building areas in Lots 1 and 8. The Real Property Division Ordinance, Section 21.03.020 has provisions for an adjustment from its requirements where findings can be made, that (1) special circumstances or conditions apply to the project, (2) the adjustment will not cause a material adverse effect to the health or safety of people in the area, and (3) granting the adjustment will not be detrimental to the public welfare or injurious to other property in the vicinity. An adjustment is recommended because Lot 4 is relatively narrow to accommodate a recommended 185-foot ag buffer in Lot 1 and have room for building. The resulting design will not adversely affect the health, safety or welfare of neighbors or future lot owners due to the project's large parcel sizes, surrounding low-density development and open space buffer to the south. Findings are proposed in Exhibit A to grant the adjustment to allow the narrower depth to width ratio on Lot 4.

PLANNING AREA STANDARDS:

The proposed project is subject to applicable planning area standards in the following sections:

- Section 22.112.040.A.1 – Rural Areawide Circulation – A cul-de-sac street is proposed to serve all lots within the 40-acre site. Adjacent to the east, lots have been created such that a future extension of this street is not anticipated. The Parks Division identified the Albert Way frontage as eligible for a pathway per the Trails Plan, and the applicant proposes dedication of right-of-way and construction of a separate pathway along Albert Way. The on-site street is proposed to conform with topography and not require large-scale grading.
- Section 22.112.040.G.1 – Residential Rural category, Areawide – The project proposes a separate pathway on Albert Way, a curvilinear interior road with a required 50-foot right-of way, and a varied lot pattern that responds to topography and will provide visual interest. Compliance with the following area plan standards is still required: (1) 80-foot front setbacks along the interior street, (2) native tree plantings within dedicated road right-of-way and front setbacks, 3) building envelopes in varying locations. These requirements are proposed to be incorporated into the project by conditions of approval.

ENVIRONMENTAL DETERMINATION: Agricultural conflicts were identified in the Initial Study that could be significant from an existing greenhouse nursery west of the site and Albert Way. Impacts associated with the nursery include noise, dust, objectionable odors, pesticides and herbicides, and traffic. The applicant has agreed to mitigate for these impacts with an agricultural buffer of 185-feet from the west property line, a tree retention setback from Albert Way of 40 feet to obscure lighting glare, sound-resistant residential construction, and disclosure of the county's Right-to-Farm ordinance to buyers. The Initial Study found that a potential Monarch butterfly habitat exists around a clearing and low area at the east side of the site (within lots 3 and 4). A biological study was performed that was late in the roosting season so that uncertainty exists that the area is occupied seasonally. Due to this uncertainty and the presence of some butterflies during the study, the loss of the potential habitat to development was seen as potentially significant. The applicant has agreed to mitigation measures that would identify the potential habitat area to future lot owners, restrict driveways, residential and other development and maintain the Eucalyptus grove within the habitat area. Conditions of approval are recommended to locate driveways and building envelopes outside the habitat and to restrict uses within it. The Public Works Department identified less than significant traffic or circulation impacts from the project, which would add approximately 77 trips per day to the circulation

system. Traffic congestion during peak hours is known to be heavy at the Highway 101/West Tefft Street interchange, but the current magnitude of severity has not been identified in a study or finalized by approval of the Board of Supervisors. Comments in the attached letter from Richard Marshall, dated August 10, 2005, describes the situation except that the timing for Board review of the South County Circulation Study update is now tentatively scheduled in December. The information from the most recent South County Circulation Study is that the existing road mitigation fees would be adequate for mitigating this project's cumulative impacts to insignificance.

STAFF COMMENTS:

The project responds well to the site, and with the conditions of approval it meets the intent of the subdivision requirements for the Residential Rural category. Once tract improvements and property requirements are in place (CC&Rs, homeowners association), the subsequent development of the tract will fit well into nearby lot patterns to the north and east and a large nursery operated to the west. To the south, the project will be separated from the Woodlands cluster division by an open space buffer. Dawn Road will extend into and through that subdivision to Albert Way inside the Woodlands, so that no road dedication requirements for Dawn Road are necessary at the south edge of this proposed tract. The Woodlands developer will improve Albert Way, including the pedestrian trail, on the west frontage of this project, although a condition of approval is recommended for this project for surety.

NIPOMO COMMUNITY ADVISORY COUNCIL COMMENTS: No comments to referrals sent October 10, 2003 and September 27, 2004.

AGENCY REVIEW:

Public Works-Improvements to Albert Way to an A-1(x) standard (to be provided by condition of approval for the Woodlands development), and an 18-foot interior paved public road.

Environmental Health – Authorized a shared water well system (private water system with two wells each serving four lots)

Ag Commissioner – Ag buffer, tree retention setback and noise reducing residential construction; disclosure of Right-to-Farm ordinance

County Parks – Required a detached trail to the county's A-1(x) standard along Albert Way frontage

CDF – Private road distance and pavement; water storage tank(s) for future structures

APCD – Construction dust mitigations

LEGAL LOT STATUS:

The existing parcel was legally created by a recorded map at a time when that was a legal method of creating lots.

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**FINDINGS - EXHIBIT A
GILDER VESTING TENTATIVE TRACT MAP 2524**

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 1, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, biological resources, noise, public services/utilities and recreation and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Rural land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance, with the adjustment to the depth-to-width ratio as set forth in Findings I, J and K.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinances and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of single family residences.
- F. The site is physically suitable for the proposed density of the development proposed because the parcels can adequately support primary and secondary dwellings.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no sensitive, threatened, rare or endangered species were found or are known to use or inhabit the site; and potential habitat for Monarch butterflies, a sensitive species, will be preserved; and adverse impacts from an existing adjacent nursery will be minimized through buffers, vegetation retention and construction techniques.
- H. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Adjustment

- I. An adjustment to Real Property Division Ordinance Section 21.03.010(a)(2) is warranted because there are special circumstances or conditions affecting the subdivision in that the width of Lot 4 is narrower than otherwise allowed to accommodate a required curvilinear cul-de-sac and provide space on Lot 1 for the cul-de-sac and a required 185-foot deep agricultural buffer where residential development is not allowed.

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- J. The granting of the adjustment will not have a material adverse effect upon the health, safety of persons residing or working in the neighborhood of the subdivision because the proposed five-acre lots are large enough to accommodate allowed access and residential development within the required design of the lot pattern and road.
- K. The granting of the adjustment will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood of the subdivision because the proposed five-acre lots are large enough to accommodate allowed access and residential development within the required design of the lot pattern and road.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2524

Approved Project

1. A Vesting Tentative Tract Map to allow for the subdivision of a 40-acre site into eight five-acre parcels for sale and the development of residences.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Albert Way constructed to an A-1(x) section with a detached trail(s) consistent with the requirements by Parks Division for the Woodlands project, within the Albert Way right-of-way fronting the project. The pavement width shall be a minimum 18 feet.
 - b. Albert Way right-of-way shall be offered a minimum of 30 feet from center line plus any additional right-of-way needed to accommodate an equestrian trail(s).
 - c. On-site street constructed to a 2/3 A-1 section from the property to Albert Way (minimum paved width to be 18 feet).
3. The applicant shall offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20-foot radius property line return at the intersection of all streets.
4. The on-site 50-foot road easement shall terminate in a county cul-de-sac as shown on the tentative map.
5. Access shall be denied to lots 1 and 8 from Albert Way and that this be by certificate and designation on the map.
6. All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

Improvement Plans

7. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan (County Health).
 - d. Grading and erosion control plan for subdivision related improvement locations.
 - e. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
 - f. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - g. Trail plan, to be approved jointly with the Park Division.

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- h. Landscape / irrigation plan for all tract improvement landscaping and common area landscaping. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping shall not exceed 50 percent lawn surface (up to 800 sq. ft. maximum per lot) with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible. This guidance shall be included in the CC&Rs for future lot owners.
8. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
9. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

10. Submit complete drainage calculations to the Department of Public Works for review and approval.
11. If calculations so indicate, drainage must be retained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
12. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

Utilities

13. Electric and telephone lines shall be installed underground.
14. Cable T.V. conduits shall be installed in the street.
15. Gas lines shall be installed.

Design

16. The lots shall be numbered in sequence.
17. The lot area of each lot shall contain a minimum area of 4.5 acres exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.030).

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18. The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

19. The applicant shall comply with the fire safety clearance letter dated October 23, 2003 from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final tract map.

Parks and Recreation (Quimby) Fees

20. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

21. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Easements

22. An open space conservation easement for the potential Monarch butterfly habitat identified on the Additional Map Sheet, with deed restrictions limiting activity, shall be approved by the biologist and the Department of Planning and Building and then recorded prior to recordation of the Final Map. The easement area shall be identified to be appropriate and adequate as a roosting area, consistent with the biologist's Monarch Butterfly Survey Report dated March, 2005. The area shall be proposed as permanent open space, with deed restrictions limiting types of activity that shall be approved by the biologist.
23. It is to be held in common by the Homeowner's Association or transferred to a public trust or conservancy agency approved by the Department of Planning and Building. The easement is to be maintained as open space in perpetuity with allowances for fencing, driveways and small non-habitable structures as approved by the biologist.
24. A open space easement shall be recorded for the tree retention setback extending 40 feet east of the Albert Way property line, prior to recordation of the Final Map. Replacement of diseased, dying, or dead Eucalyptus trees shall be required within the easement. Native trees as required by the Land Use Ordinance Section 22.112.040.G.1.e shall be planted within the setback area, at a minimum 15-gallon size. Other evergreen trees similar to Eucalyptus, such as Tristania conferta – Brisbane box, may be allowed instead of the existing species when replacements occur. The permanent use of this lighting buffer shall be described on the Additional Map Sheet and the easement is to be exclusively for trees, landscaping and fencing.

Landscape Plans

25. Submit detailed landscaping plans in compliance with Chapter 22.16 to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map, for re-vegetating ground disturbance, providing native trees within the dedicated road rights of way and front setbacks, in accordance with LUO Section 22.112.040.G.1.e. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include landscaping for erosion control. If a drainage basin is required, the basin shall be less than two feet deep and provide landscaping.
26. All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 90 days of completion of the tract improvements.

Mitigation Measures

Water Supply

27. **Prior to approval of tract improvement plans**, the applicant shall show how the initial landscaping will have low-water usage, in a Landscape Plan to be approved by the Department of Planning and Building. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping shall not exceed 50 percent lawn surface (up to 800 sq. ft. maximum per lot) with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible. This guidance shall be included in the CC&Rs for future lot owners.

Additional Map Sheet

28. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
 - a. Note that the Homeowners Association is responsible for on-going maintenance of any required drainage basin and its landscaping, the Monarch butterfly habitat open space easement, the Albert Way conservation easement, and the on-site street and its easement in perpetuity or until accepted by the County.
 - b. The following features shall be shown on the Additional Map Sheet:
 - 1) A Monarch butterfly habitat area as identified in the Monarch butterfly Habitat Supplemental Report – Mitigation Recommendations, dated August 26, 2005.
 - 2) An 80-foot front building setback from the on-site street, except that where the average slope is greater than 10 percent, the front setback may be less than 80 feet where necessary for sensitive siting within topographic constraints.
 - 3) A 40-foot setback from the Albert Way right-of-way, for the purpose of tree retention for screening off-site lighting glare, landscaping and fencing only. Notice that replacement of diseased, dying, or dead Eucalyptus trees shall be required within a permanent conservation easement; similar evergreen trees (such as Tristania conferta – Brisbane box) may be allowed instead of

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the existing species. Planting of California native trees is also to be allowed in the easement, with similar replacement.

- 4) An agricultural buffer prohibiting residential structures, consisting of 185 feet from the east property line of over Lots 1 and 8, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
 - 5) Designated building envelopes and access drives that are subordinate to rural character, such as by varying their elevation along hills and ridges, and where siting below the highest elevations take advantage of wind-protected locations. Building sites shall be shown that retain a minimum 20 percent of the existing trees throughout the site by a variety of means such as individual trees, groves and/or along property line setbacks. Building sites for lots 3 and 4 shall be outside of the designated Monarch butterfly habitat and provide an adequate buffer between the habitat area and conflicting residential activity. Designated access drives to lots 3 and 4 shall circumvent the low area at and below the 190-foot contour elevation. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- c. Notification and disclosure to prospective buyers and occupants of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded, and of the 24-hour nature of the adjacent nursery operation and its activities.
 - d. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - e. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - f. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated October 23, 2003 from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
 - g. Notice to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist.
 - h. The following shall be shown on the Additional Map Sheet, and on other applicable plans as noted. All site grading and demolition plans shall list the following regulations:
 - i. Reduce the amount of the disturbed area where possible,
 - ii. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible,
 - iii. All dirt stock pile areas should be sprayed daily as needed,

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- iv. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
 - v. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
 - vi. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
 - vii. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
 - viii. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
 - ix. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
 - x. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
 - xi. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible
- i. The following PM10 mitigation measures listed below shall be shown on grading and building plans as applicable. In addition, the contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.

1) Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (trans-site pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

2) Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for

Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

3) Developmental Burning

Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

- j. Notice that, in the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - 1) Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - 2) In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- k. **Prior to tract improvements and residential construction**, a survey shall be completed of the project area to identify any raptor-occupied nest and postpone removal of trees in its vicinity until it is abandoned.
- l. Provide sound-reducing construction and mechanical ventilation within all future residences, to maintain an interior noise level no higher than 45 decibels in accordance with the county Noise Element, to be approved by the Department of Planning and Building.
- m. A notice to future lot owners that: All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans prior to permit issuance.

Covenants, Conditions and Restrictions

29. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

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- a. Formation of a Homeowners Association.
- b. On-going maintenance of drainage basin fencing in perpetuity.
- c. On-going maintenance of drainage basin and adjacent landscaping in a viable condition on a continuing basis into perpetuity.
- d. Maintenance of common areas including trees and landscaping.
- e. Secondary dwellings shall not be allowed.
- f. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- g. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- h. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- i. An agricultural buffer prohibiting residential structures, consisting of 185 feet over lots 1 and 8 west of the Albert Way right-of-way, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent commercial agricultural business affecting this subdivision ceases operation for a minimum of one year.
- j. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- k. Note to provide sound-reducing construction and mechanical ventilation within all future residences, to maintain an interior noise level no higher than 45 decibels in accordance with the county Noise Element, to be approved by the Department of Planning and Building.
- l. Notice that landscape and irrigation shall conform the following: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping shall not exceed 50 percent lawn surface (up to 800 sq. ft. maximum per lot) with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
- m. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist.

Miscellaneous

- 40. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 41. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- 42. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

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STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

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7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Staff report prepared by James Lopes
and reviewed by Warren Hoag

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (JL)

ENVIRONMENTAL DETERMINATION NO. ED0 03-493

DATE: September 1, 2005

PROJECT/ENTITLEMENT: Gilder Trust Tract Map (S030109T)

APPLICANT NAME: James and Delores Gilder Trust

ADDRESS: 940 Calle Fresa, Nipomo, CA 93444

CONTACT PERSON: Same as applicant

Telephone: (805) 929-8134

PROPOSED USES/INTENT: Request by James and Delores Gilder for a Vesting Tract Map to allow the subdivision of a 40-acre site into eight approximately five-acre parcels for sale and/or development. The proposed project is within the Residential Rural land use category.

LOCATION: The project is located on the east side of Albert Way, approximately 1,320 feet south of Willow Road, adjacent to the north side of the Woodlands Village Area in the South County Planning Area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
 County Government Center, Rm. 310
 San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on September 15, 2005

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ *Lead Agency*
☐ *Responsible Agency* approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency

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California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
De Minimis Impact Finding

PROJECT TITLE & NUMBER: Gilder Tract Map 2524; ED03-493

Project Applicant

Name: James and Delores Gilder
Address: 940 Calle Fresa
City, State, Zip Code: Nipomo, CA 93444
Telephone #: (805) 929-8134

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

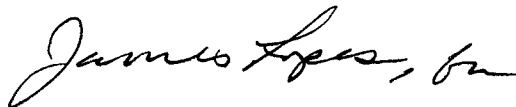
FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ☐ The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ☒ The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ☐ The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ☐ The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____.
- ☐ Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.



Ellen Carroll, Environmental Coordinator
County of San Luis Obispo

Date: 8-29-05

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**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

Project Title & No. (Gilder Trust) Tract Map ED 03-493

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

James Lopez
Prepared by (Print)

James Lopez
Signature

8/25/05
Date

John Nall
Reviewed by (Print)

John Nall
Signature

Ellen Carroll,
Environmental Coordinator
(for)

8/25/05
Date

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Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Proposal by the James and Delores Gilder Trust for a Vesting Tract Map to allow for the subdivision of a 40-acre site into eight five-acre parcels for sale and the development of residences. The project is located on the east side of Albert Way, approximately 1,320 feet south of Willow Road, adjacent to the north side of the Woodlands Village Area, in the South County planning area.

ASSESSOR PARCEL NUMBER(S): 091-201-054 & 055

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Rural

LAND USE CATEGORY: Residential Rural

COMBINING DESIGNATION(S): None

EXISTING USES: Undeveloped

TOPOGRAPHY: Gently rolling (0-10% slope)

VEGETATION: Grasses , eucalyptus

PARCEL SIZE: Five acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Rural; residential	<i>East:</i> Residential Rural; agricultural uses
<i>South:</i> Recreation; undeveloped	<i>West:</i> Residential Rural; residential

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO
INITIAL STUDY CHECKLIST**

1.	AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will not be visible from any major public roadway. The project is located in an area of mixed residential and agricultural uses. The site is directly north of Woodlands Specific Plan designations for golf fairways, clustered home sites and a pocket park, which are planned south of a 100-foot perimeter buffer. Albert Way is planned as a secondary access to Woodlands. West of the site is a large-scale greenhouse farm.

The site is almost entirely a Eucalyptus plantation grove, and it has a forested appearance from Alberta Way and unimproved Dawn Road. Views into the site are obscured or screened by this large grove. If the project is approved, views would be of residential homesites on five-acre parcels. The location and spacing of residences is anticipated to be consistent with other residential lots in the vicinity.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2.	AGRICULTURAL RESOURCES - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. AGRICULTURAL RESOURCES*- Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Other: <u>Impact residential use of the proposed parcels with activities of an existing agricultural use</u></i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include:

Oceano sand (2-9%)

As described in the NRCS Soil Survey, this soil is considered Class VI for "non-irrigated" soil, and Class IV for "irrigated" soil.

The project is located adjacent to the east side of an existing commercial nursery on a 40-acre parcel, which contains greenhouse buildings that are set back approximately 115 feet from the edge of the site. No other commercial agriculture exists adjacent to the property.

Impact. Impacts to the site are anticipated from the greenhouse grower, including noise, night lighting, dust, odors, chemical applications and traffic. The Department of Agriculture has reviewed the project and provided comments in the attached letter, noting that the nursery is a 24-hour a day operation, and that impacts could be significant unless mitigated or avoided, because existing topography and vegetation do not provide adequate screening to reduce impacts.

Mitigation/Conclusion.

Consistent with the Agriculture/Open Space Element, the Department of Agriculture recommends that an agricultural buffer be established to a 185-foot depth from Albert Way along the length of the project. The buffer would exclude the construction of residences, but would allow other accessory uses that are not human habitation. The second mitigation recommended is to provide sound-reducing construction and mechanical ventilation within all future residences of the site. To reduce glare from nursery lighting, the eucalyptus trees on the western portion of proposed Parcels 1 and 8 should be retained. Disclosure of the nursery to purchasers and occupants of all parcels should be required that identifies the 24-hour nature of operation and its activities, as well as the county's Right to Farm Ordinance.

3. AIR QUALITY - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD). Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site.

Impact. As proposed, the project will result in the disturbance of approximately five acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. The project will exceed the 4.0 acres threshold of APCD's PM10 quarterly threshold and thresholds of concern about emissions of asbestos, and smoke and soot from burning.

Mitigation/Conclusion. This project exceeds APCD thresholds and should be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook as well as potential asbestos and soot emissions.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Eucalyptus trees Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

Plants: Horkelia cuneata ssp. sericea (Kellogg's Horkelia)

Wildlife: Danaus plexippus (Monarch Butterfly)

Habitats: Santa Barbara Vernal Pool Region

The project site contains a Eucalyptus plantation forest which may support a Monarch Butterfly population. A Monarch Butterfly Survey Report was prepared by Dennis Frey and Shawna Stevens (March, 2005). Monarch butterflies were observed during the reconnaissance survey; no roosting aggregations were observed during three morning field surveys although roosting monarchs occupied other regional sites for most of the survey period. However, the surveys were conducted late in the season when monarch dispersal was already well underway. The project site had 10 of 12 positive matches for assessment criteria when compared with regional wintering habitats.

During the initial study, a field survey was conducted by staff, during which two raptors were present around the central meadow. Subsequently, a Nesting Bird Survey Report was prepared by Morro Group Environmental Services biologist Dwayne Oberhoff (March 2005) to identify whether the eucalyptus forest contains raptor nests or suitable habitat for them.

Impact. Some of the wooded area in the eastern portion of the property represents probable over-wintering habitat that could support small to moderate size populations of wintering monarchs. Due to the suitable characteristics of this area and the uncertainty of historical Monarch activity, a potential significant impact may occur to this habitat if this area is removed. Preservation of this most likely habitat area would reduce the potential impact of monarch habitat loss to insignificance.

During the biologist's survey, raptor nests were not identified, and the forest trees were found to be primarily too thin to support nests, except where large eucalyptus trees within the east-central portion of the property and along the perimeter are potential raptor nesting habitat. Because the survey was conducted at the beginning of the prime nesting period, from March 1 to August 31, some uncertainty exists whether nesting may occur in the future. To avoid potential impacts to any nesting raptors during construction, a survey should be conducted prior to removal of trees to identify any nest and postpone removal of trees in its vicinity until it is abandoned.

Mitigation/Conclusion. The biologist should identify in detail the most suitable habitat area for Monarch butterflies and for nesting raptors and prescribe measures to permanently protect the Monarch habitat and temporarily protect the raptor habitat in the vicinity of nests if discovered prior to any tree removal. Building sites near the butterfly habitat should be identified to control building and activity areas.

5. CULTURAL RESOURCES -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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5. CULTURAL RESOURCES - *Will the project:*

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicabled) *Other:* _____☐☐☐☐

Setting. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable

a) *Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?*

☒☐☒☐

b) *Be within a CA Dept. of Mines & Geology Earthquake Fault Zone (formerly Alquist-Priolo)?*

☒☐☐☒

c) *Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?*

☒☐☒☐

d) *Change rates of soil absorption, or amount or direction of surface runoff?*

☒☐☒☐

e) *Include structures located on expansive soils?*

☒☐☒☐

f) *Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?*

☒☐☒☐

g) *Involve activities within the 100-year flood zone?*

☒☐☒☐

h) *Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?*

☒☐☒☐

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6. GEOLOGY AND SOILS -
Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level to gently rolling. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered negligible. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek from the proposed development is approximately one mile north. As described in the NRCS Soil Survey, the soil is considered well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

SEDIMENTATION AND EROSION - The soil types include:
Oceano sand (2-9%) (% slope)

As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility, and low shrink-swell characteristics.

Impact. As proposed, the project will result in the disturbance of approximately five acres. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program. A drainage plan and erosion and sedimentation control plan would be required by the Land Use Ordinance to address the storm water runoff.

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

7. HAZARDS & HAZARDOUS MATERIALS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is not within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Expose people to noise levels that exceed the County Noise Element thresholds?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is within proximity to loud noise sources from the adjacent flower nursery. It will not conflict with any sensitive noise receptors (e.g., residences).

Impact. In the Agricultural Resources section, the residences within the project are identified to be subject to a variety of agriculturally related impacts from the adjacent flower nursery, including noise during the 24-hour operation of the nursery. The project is not expected to generate loud noises, nor cause conflict with the surrounding uses.

Mitigation/Conclusion. The 185-foot buffer proposed in the Agricultural Resources section would be an adequate mitigation in combination sound reducing construction practices for the residences to

maintain noise below a 45-decibel maximum noise level within all residential units, incorporating mechanical interior ventilation.

9. POPULATION/HOUSING -

Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county. Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. No significant population and housing impacts are anticipated, and no mitigation measures are necessary. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES -

Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Fire protection?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Police protection (e.g., Sheriff, CHP)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Schools?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. PUBLIC SERVICES/UTILITIES -
*Will the project have an effect upon,
 or result in the need for new or
 altered public services in any of the
 following areas:*

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable

- | | | | | |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Roads? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Solid Wastes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Other: _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station is the Nipomo Mesa station 22, which is about 1.7 miles from the proposed project. The closest Sheriff substation is in Oceano, which is about 6.85 miles from the proposed project.

Impact. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

11. RECREATION - Will the project:

Potentially
SignificantImpact can
& will be
mitigatedInsignificant
ImpactNot
Applicable

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the use or demand for parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect the access to trails, parks or other recreation opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Other _____ | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is proposed in a location that will affect any trail, park or other recreational resource. A trail alignment has been recommended by the county Division of Parks and Recreation along the Albert Way Street frontage, which is incorporated into the project.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the fronting public road, Albert Way, which is an unimproved road that will be constructed by the adjoining Woodlands project to the south. The road is projected to operate at acceptable levels with currently allowed development, as are other rural roads and highways in the vicinity. Traffic congestion during peak hours is known to be heavy at both the Highway 1/Halcyon Road intersection and the Highway 101/West Tefft Street interchange, but the current magnitude of severity has not been identified in a study or finalized by approval of the Board of Supervisors. Comments in the attached letter from Richard Marshall, dated August 10, 2005, describes the situation at the Highway 101/West Tefft Street interchange, except that the timing for Board review of the pending South County Circulation Study update is now tentatively scheduled in December, 2005.

Impact. The proposed project is estimated to generate about 77 trips per day and a total of eight peak-hour vehicle trips, based on the Institute of Traffic Engineer's manual of 9.57 trips per dwelling unit and an 11% peak hour factor. This amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety. Referrals were sent to Public Works/Caltrans, and no significant traffic-related concerns were identified. Cumulative impacts at the two locations described above may become significant, for which project-related impacts are currently

mitigated by the collection of road improvement fees for each residence's traffic generation.

Mitigation/Conclusion. The information from the most recent South County Circulation Study is that the existing South County Road Mitigation Fees would be adequate for mitigating this project's cumulative impacts to insignificance at the above-described locations, by ordinance requirements at the time of residential building permits. No significant traffic impacts have been associated with this project, and no other mitigation measures are necessary.

13. WASTEWATER - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Adversely affect community wastewater service provider?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater systems will be placed is Oceano sand. For on-site septic systems, there are several key factors to consider for a system to operate successfully, including the soil's ability to percolate or "filter" effluent, the soil's depth and the slope on which the system is placed. To assure a successful system that meets the Central Coast Basin Plan, additional analysis or engineering is needed when one or more factors exist: the ability of the soil to "filter" effluent is either too fast (percolation rate is faster or less than 30 minutes per inch and has "poor filtering" characteristics) or is too slow (slower or more than 120 minutes per inch); the topography on which a system is placed is steep enough to potentially allow "daylighting" of effluent downslope; or the separation between the bottom of the leach line to bedrock or high groundwater is less than five feet.

Impact. The project proposes to use on-site wastewater septic systems to handle wastewater effluent, which will not cause significant impacts.

Mitigation/Conclusion. No special measures are needed since ordinance criteria will require any necessary information for the safe design and operation of wastewater systems.

14. WATER - Will the project:		Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use two shared on-site wells as its water sources. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source is not known to have any significant availability or quality problems.

The project will be using water extracted from the Santa Maria groundwater basin, which is made up of three interconnected sub areas (Tri-Cities, Nipomo Mesa, Santa Maria). Based on the most recent comprehensive study completed for this basin (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), while extractions will increase above current levels over the next twenty years, the study concludes that "Supplies appear adequate to meet water demands through water year 2020". However, the study recognizes that there is a sizeable local pumping depression on the Nipomo Mesa that has changed the dynamics of flow between two sub areas (Santa Maria, Nipomo Mesa). While the study also states it is conjecture to conclude that seawater intrusion could result from this existing pumping depression, it does not rule out potential influences if water management practices are not changed in the future and this depression continues to grow. Also, due mainly to the lack of seawater intrusion occurring, DWR concludes that the basin is not in a state of overdraft. The report does recommend a number of measures to improve monitoring of the basin as well as increase the use of recycled water.

On November 2, 2004, the Board of Supervisors certified RMS Level of Severity 2 for water supply in the Nipomo Mesa area, defined as the area subject to the 1.8% growth limit, as depicted in the Growth Management Ordinance. The County Flood Control and Water Conservation District will implement improved well monitoring and water quality monitoring programs for this area. Water purveyors in the Nipomo Mesa area are encouraged to strengthen their water conservation programs, increase their use of reclaimed water and continue their efforts to secure supplemental water. A planning area standard will be enacted by which building permits will be required to include the full range of water conservation measures, including: low water-use toilets, showerhead, faucets; low water-use clothes washers; automatic shut-off devices for bathroom and kitchen faucets; point-of-use supplemental water heater systems in bathrooms and kitchen, or circulating hot water systems; low water-use landscape; limited landscape areas; limited turf areas; low water-use plant materials; soil moisture sensors; drip irrigation systems; and separate meters for outdoor water use.

The Board of Supervisors also directed staff to process a general plan amendment (planning area standard) that would expand the application of landscape standards in the LUO (Sec. 22.16.020) for projects in the area subject to the 1.8% growth limit. Low water-use landscapes will be required for all

developer-installed landscapes on parcels of 5 acres or less in any land use category. In an effort to monitor the effectiveness of these water conservation measures, each annual update of the Growth Management Ordinance will include data to indicate if the water use rate per dwelling unit is trending downward. If progress toward water conservation targets is not evident, further growth limitations may be recommended.

Impact. As proposed, the project will result in the disturbance of approximately five acres for proposed tract improvements. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 9.6 acre feet/year (AFY)

Eight residential lots (w/primary (0.85 afy) & secondary (0.33 afy) X 8 lots = 9.6 afy

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Due to the large size of the proposed residential parcels, estate plantings are anticipated that could increase water usage unnecessarily if water-consuming plants are used. With the information available at this time, the project could add significant water consumption unless specific measures are taken.

Mitigation/Conclusion. To support the effective conservation of water Water conservation measures should be taken with this project to reduce its impact on water resources within the groundwater basin, by the installation of water-saving fixtures, minimizing turf irrigation and using low-water consuming plant species. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - <i>Will the project:</i>	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:

Potentially
Significant

Impact can
& will be
mitigated

Insignificant
Impact

Not
Applicable

a) *Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

☐
☒
☐
☐

b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐
☐
☒
☐

c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐
☒
☐
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Not Applicable
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input checked="" type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Attached
<input type="checkbox"/>	Community Service District	Not Applicable
<input checked="" type="checkbox"/>	Other <u>Nipomo Community Advisory Council</u>	None
<input checked="" type="checkbox"/>	Other <u>Parks and Recreation Division</u>	Attached

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input checked="" type="checkbox"/> Solid Waste Management Plan	

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Biological Survey – Monarch Butterfly Survey Report, Dennis Frey & Shawna Stevens, March, 2005.

Nesting Bird Survey Report, Dwayne Oberhoff, March 22, 2005.

Report on the Proposed Developments of Lots 3, 4, 5 & 6 of Block 3 of Cayucos, Richard Little, 2003.

Exhibit B - Mitigation Summary Table**Agricultural Resources**

1. An agricultural buffer to separate residential buildings from the adjacent greenhouse nursery shall be delineated on the Additional Map Sheet, to be approved by the Department of Planning and Building. Limitations that exclude residential units shall be identified on an Additional Map Sheet and in Conditions, Covenants and Conditions. The allowed uses such as accessory buildings and other uses not intended for human habitation shall be identified.
2. The Additional Map Sheet shall include a requirement to provide sound-reducing construction and mechanical ventilation within all future residences, to maintain an interior noise level no higher than 45 decibels in accordance with the county Noise Element, to be approved by the Department of Planning and Building.
3. To reduce glare from nursery lighting, the Eucalyptus trees on the western edge of Parcels 1 and 8 shall be retained within a setback of 40 feet from the western property line, to be shown on the Additional Map Sheet, within a permanent conservation easement to be recorded before recordation of the Final Map, to be approved by the Department of Planning and Building. Replacement of diseased, dying, or dead Eucalyptus trees shall be required within the easement; similar evergreen trees (such as *Tristania conferta* – Brisbane box) may be allowed instead of the existing species. The permanent use of this lighting buffer shall be described on the Additional Map Sheet and the conservation easement to be exclusively for trees, landscaping and fencing.
4. Disclosure of the nursery to purchasers and occupants of all parcels shall be required that identifies the 24-hour nature of operation and its activities, as well as the county Right to Farm Ordinance, on the Additional Map Sheet, to be approved by the Department of Planning and Building

Air Quality

The following shall be shown on the Additional Map Sheet, and on other applicable plans as noted:

1. All site grading and demolition plans noted shall list the following regulations:
 - a. Reduce the amount of the disturbed area where possible,
 - b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible,
 - c. All dirt stock pile areas should be sprayed daily as needed,
 - d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
 - e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
 - f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
 - g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
 - h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,

- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

2. **Demolition Activities**

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

3. **Naturally Occurring Asbestos**

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

4. **Developmental Burning**

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at

781-5912.

Biological Resources

1. The applicant shall utilize a Eucalyptus tree retention area for potential Monarch butterfly habitat on Lots 3 and 4 of the tract map, consistent with the map provided by the biologist, to be located on the Final Map (or appropriate sheet) before recordation, to be approved by the Department of Planning and Building. The area shall be identified to be appropriate and adequate as a roosting area, consistent with the biologist's Monarch Butterfly Survey Report dated March, 2005. The area shall be proposed as permanent open space through an open space easement for these parcels prior to Final Map recordation, with deed restrictions limiting activity that shall be approved by the biologist.
2. The applicant shall identify building sites on lots 3 and 4 that provide adequate buffer between the Eucalyptus tree retention area and conflicting residential activity, to be approved by the Department of Planning and Building. Building sites shall be shown on the other proposed lots that retain 20 percent of the existing trees throughout the site by a variety of means such as individual groves and/or along property line setbacks.
3. The Additional Map Sheet shall contain a notice, to be approved by the Department of Planning and Building that prior to tract improvements and residential construction, a survey shall be completed of the project area to identify any raptor-occupied nest and postpone removal of trees in its vicinity until it is abandoned.

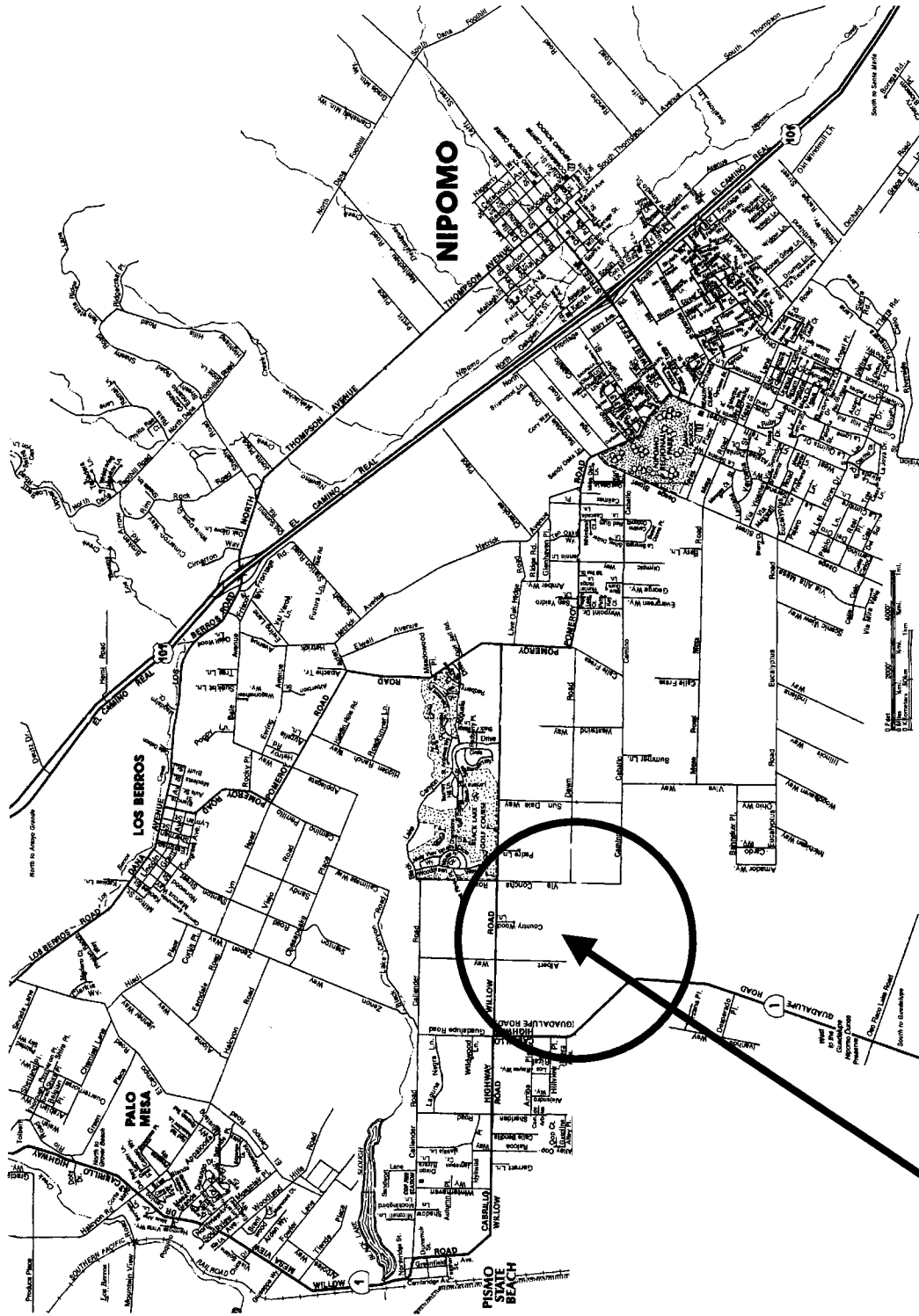
Noise

1. The Additional Map Sheet and the Conditions, Covenants and Conditions shall contain a requirement that all future residences shall incorporate sound-reducing construction and include air conditioning or mechanical ventilation that will reduce interior noise levels to or below 45 decibels, to be approved by the Department of Planning and Building.

Water Supply

1. Prior to approval of tract improvements, the applicant shall show how the initial landscaping will have low-water usage, to be approved by the Department of Planning and Building. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping shall not exceed 50 percent lawn surface (up to 800 sq. ft. maximum per lot) with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible.
2. The Additional Map Sheet shall include a notice, to be approved by the Department of Planning and Building to future lot owners that: All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans prior to permit issuance.

6-40



SITE

EXHIBIT

Vicinity Map

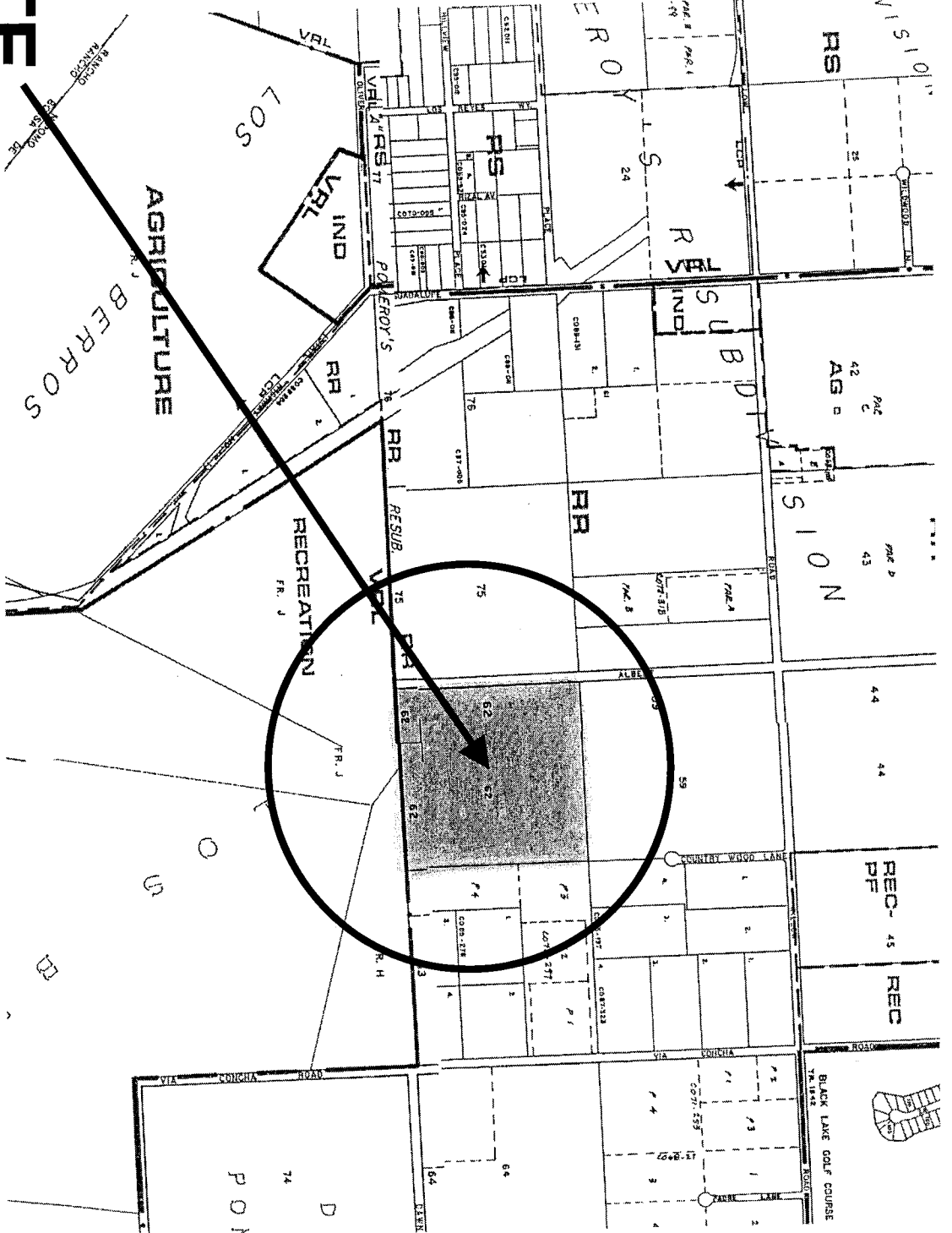


PROJECT

Tract Map
Gilder S030109T TR2524

6-41

SITE



PROJECT

Tract Map
Glider S030109T TR2524



EXHIBIT

Land Use Category

6-42

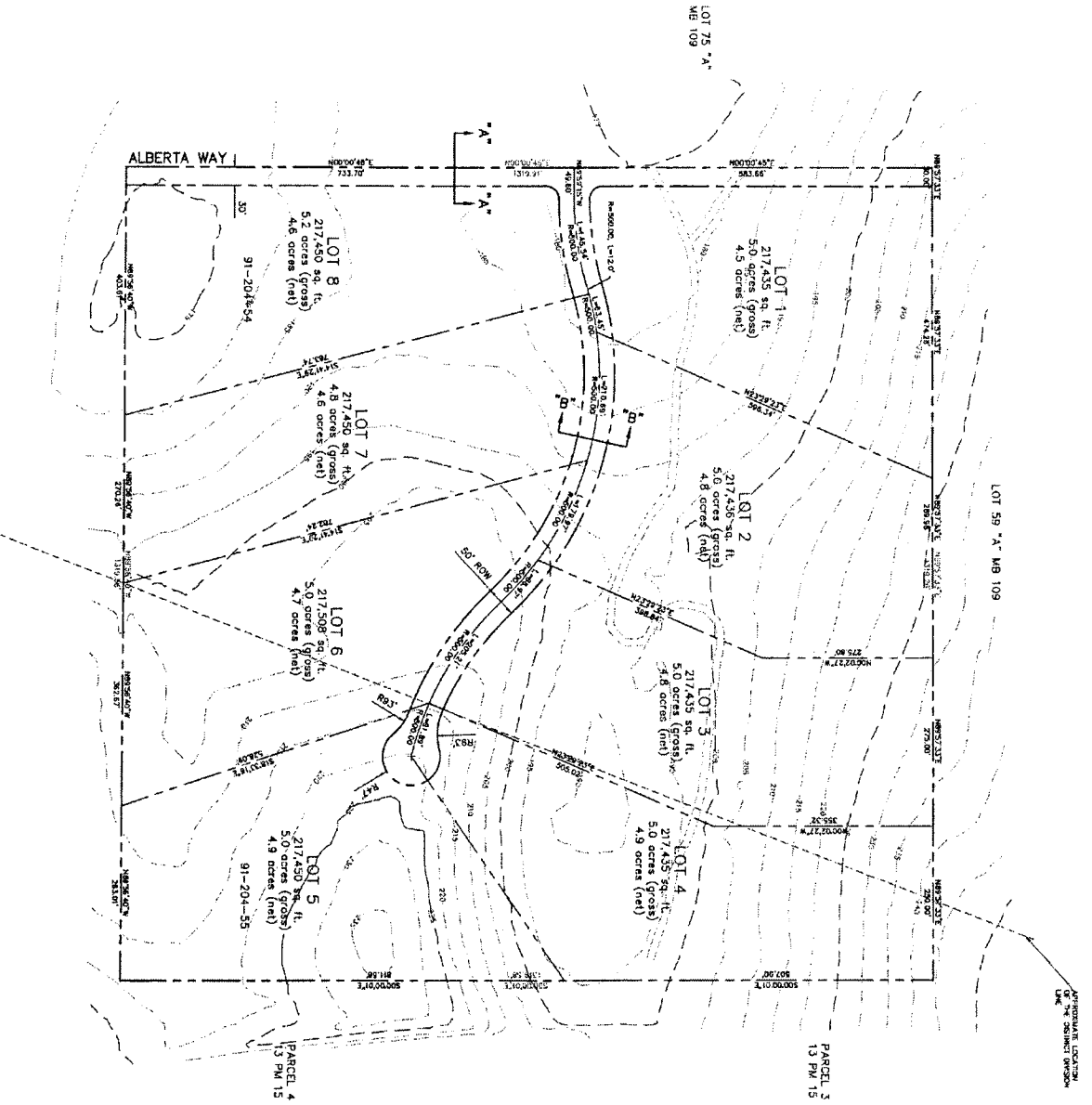
PROJECT

Tract Map

Gilder S030109T TR2524

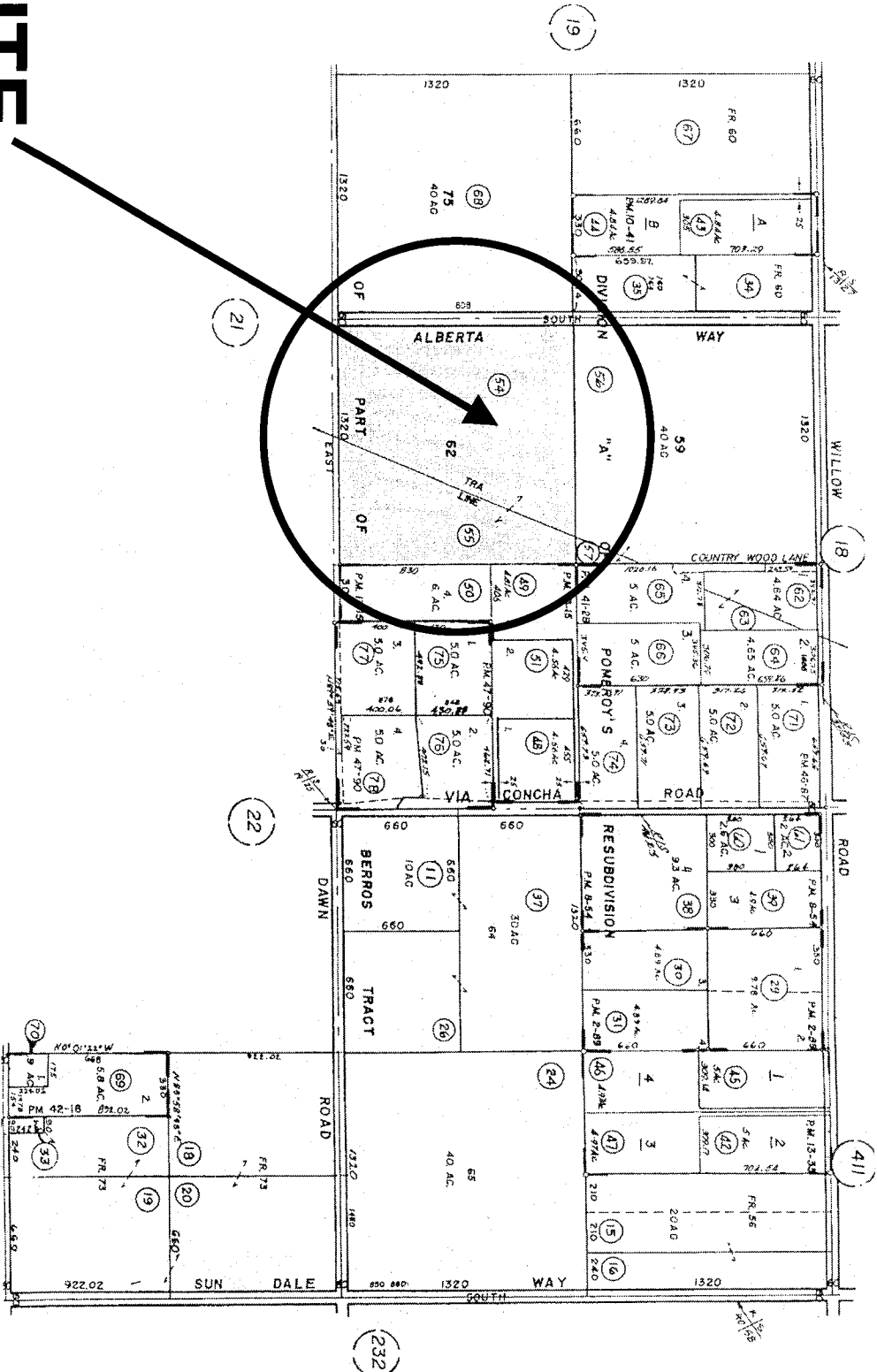
EXHIBIT

Tract Map



6-43

SITE



PROJECT

Tract Map
Gilder S030109T TR2524

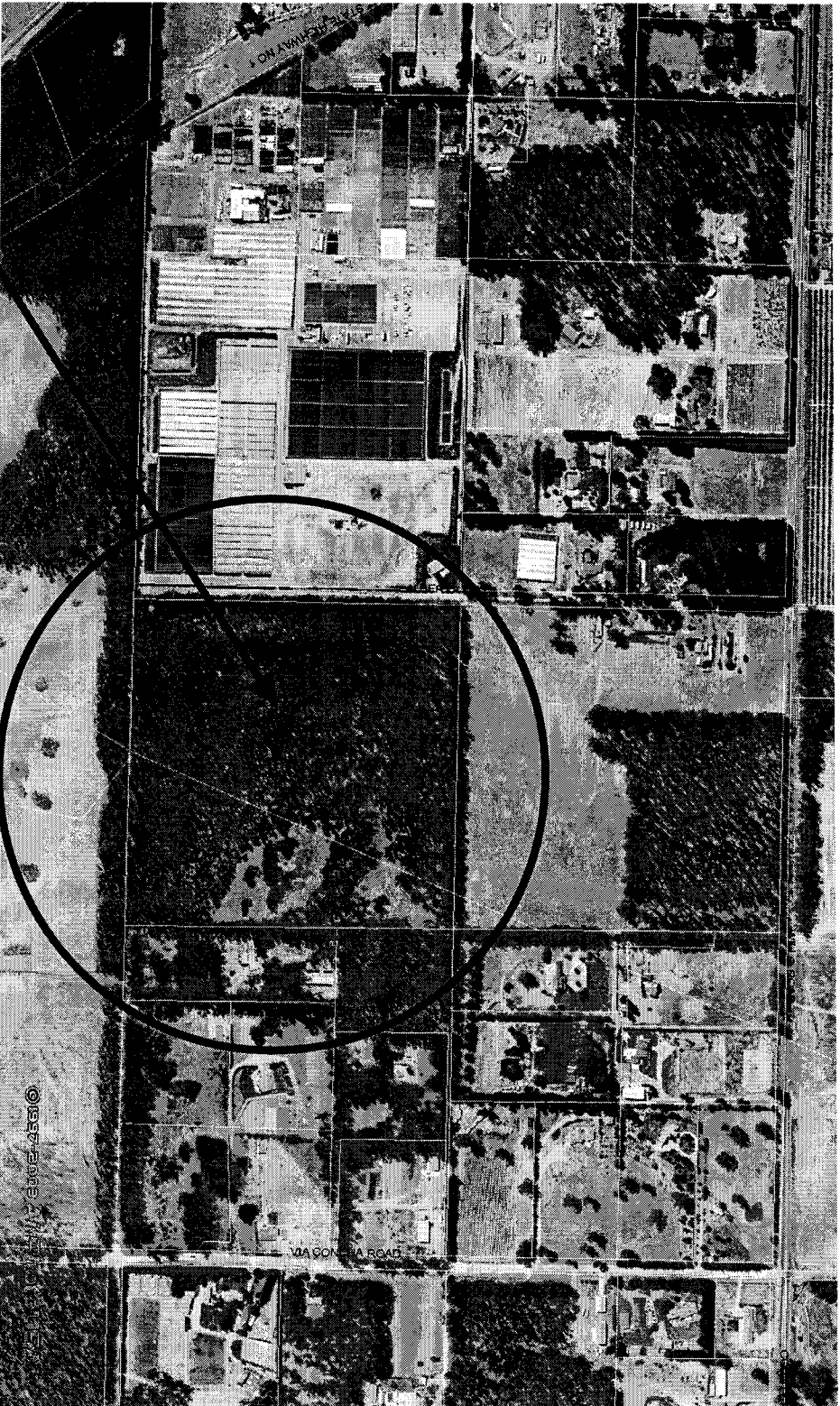


EXHIBIT

Assessor Parcel Map

6-44

SITE



PROJECT

Tract Map

Gilder S030109T TR2524



EXHIBIT

Aerial

6-45

**MONARCH BUTTERFLY SURVEY SUPPLEMENTAL REPORT –
MITIGATION RECOMMENDATIONS**

Gilder Project APN 091-201-054 and 055

Prepared for

**Morro Group, Inc.
1422 Monterey Street, Suite C200
San Luis Obispo, CA 93401**

Prepared by

**Dennis Frey
1351 Fernwood Dr.
San Luis Obispo, CA
&
Shawna Stevens
228 4th Street
Grover Beach, CA**

August 26, 2005

MITIGATION RECOMMENDATIONS - MONARCH BUTTERFLY HABITAT

Gilder Project APN 091-201-054 and 055 located off Dawn Road & Albert Way,
Nipomo, CA

INTRODUCTION

This report supplements an earlier preconstruction monarch butterfly habitat survey report prepared by Frey and Stevens for Morro Group, Inc. (Frey & Stevens 2005). It provides mitigation recommendations for monarch butterfly habitat on a 40 acre parcel located west of Nipomo, California at the end of Dawn Road, west of Via Concha. This supplemental report highlights the findings from the preconstruction survey which indicated the site was a wintering habitat for monarch butterflies and it includes mitigation measures that would reduce significant impacts of the project to insignificance.

REVIEW OF RELEVANT FINDINGS AND POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The assessment that the site included areas used by overwintering monarch butterflies was based on a number of criteria including, the pattern of occurrence and abundance of monarchs on the property, vegetation assessment, site location and topography, and microclimate analyses. Throughout the survey period 148 monarchs were observed flying, basking, or nectaring. The location of these butterflies was clearly non-random and they were found primarily in areas of the site that had many characteristics similar to nearby wintering habitats (Frey & Stevens 2005; Table 2 & Figure 9). All seven of the habitat and microclimate characters assessed for the project property matched those of the two regional overwintering sites used for comparison. The monarch wintering habitat of a nearby site, the Woodland Hills project, had a wintering population of several thousand butterflies occupying a comparable eucalyptus forest. It is highly unlikely that the relatively large number of butterflies documented on the last survey on 10 March 2005 (Frey & Stevens 2005) were an influx of transients migrating through the property because the majority of monarchs throughout San Luis Obispo County had dispersed by this time (Frey & Stevens unpublished data).

Loss of habitat is regarded as the major threat to monarch populations in western North America. Meade (1999) documented the loss of 11 monarch wintering habitats to agricultural, commercial, or municipal development in Santa Barbara County during an 8-year period, a decline of 1.5% annually (Frey & Schaffner 2004). Removal of a large forested tract on the Nipomo Mesa with wintering habitat such as the Gilder site would have a significant negative impact on the regional wintering population of monarch butterflies.

MITIGATION MEASURES

Monarch wintering habitat is characterized by unique microclimates with minimum temperature extremes and wind flow (Frey & Stevens 2004). The habitat maintains relatively high air moisture, and permits morning and late afternoon transient mosaics of sunlight in the upper canopy of roosting trees. A relatively closed forest canopy is an

essential part of the habitat as well as a source of moisture for monarchs to replace evaporative water loss. Monarchs typically roost on the southern aspect of trees in San Luis Obispo County and the layout, topography, and extent of wooded areas are important.

To reduce significant impacts of the project to insignificance, we propose that approximately 6.5 acres of the site, as designated in Figures 1 and 2, be set aside as a monarch preserve. While monarchs occurred in three locations on the project property during our site surveys (Frey & Stevens 2005; Figure 9), only the area designated in Figure 2 had forest and contingent open space, vegetative structure, local topography, and microclimate typical of high quality monarch wintering habitat. The preserve should consist of the open space located in the center of the eastern third of the property. A 30 meter wide 'band' of the existing eucalyptus forest should be retained as identified in Figure 2 on the northern and western boundaries of the open space. The preserve would occupy wooded and open space habitat on lots 3 and 4 and lesser areas of lots 5 and 6 (Figure 1). Construction of the access cul-de-sac and drive way to lot 4 should be constructed so as to minimize the 30 meter wide forest retained along the western edge of the forest preserve. Building on lots 3 and 4 should be restricted to the upper (Northern) part of the lots. The access road (driveway) from the cul-de-sac to lot 4 should approximately follow the 220-215' elevation contours east and proceed north along the Eastern property line so as to protect the open space meadow area.

Justification of the Design of Proposed Mitigation Monarch Preserve

1. Preserves the area where the greatest abundance of monarchs occurred during surveys by Frey & Stevens (2005).
2. Provides forest area with a canopy structure and layout necessary to provide roosting areas with wind protection.
3. Provides a windbreak that is moderately dense and includes trees of varied height with good mid-level canopy to protect wintering monarchs from prevailing westerly wind flow (Heisler & DeWalle 1988).
4. Provides forest with potential roosting areas located on southern aspects of canopy, i.e., along the interior of the wooded area as indicated on Figure 2.
5. The preserve putative roosting area is sited on a slope aspect (i.e., facing southwest) that allows filtered late afternoon sunlight into the upper canopy of roosting areas and diffuse morning sun along southern canopy exposure, features known to be important at monarch wintering sites (Frey et al. 1992)
6. Encloses a natural meadow in the "quiet zone" of the wind break wooded area.
7. Includes a wetland meadow area that can provide essential resources for monarchs, i.e., dew (water source) and nectar (Frey et al. 2002).
8. Includes areas of the property where forest canopy coverage (i.e., density) was within the range typically associated with high quality wintering habitat (Frey & Stevens 2005).
9. Allows for a wooded windbreak that extends in as a continuous 30 meter band in width around the open space and roosting area. The 30 meter minimum width is

commensurate with monarch wintering habitat guidelines suggested by the Xerces Society (Bell et al. 1993; Brower et al. 2004).

10. The preserve area has a topography which is similar to that at several wintering sites in California with large wintering populations, e.g., Ellwood – Goleta and Natural Bridges State Park – Santa Cruz (Frey & Stevens personal observations). The local elevation relief to the north and south also helps reduce wind flow.
11. The preserve includes the primary signature species of western North America monarch winter habitats, i.e., a mature eucalyptus forest, rather than depending upon ornamentals or native species not associated with monarch habitat (Frey & Schaffner 2004).

References

Bell, E., L. Brower, W. Calvert, J. Dayton, D. Frey, K. Leong, D. Murphy, R. Pyle, K. Snow, S. Weiss. 1993. The monarch project's conservation and management guidelines for preserving the monarch butterfly migration and monarch overwintering habitat in California. Portland: Xerces Society publications.

Brower, L., M. Monroe, K. Snow. 2004. Monarch Habitat Handbook: A California Landowner's Guide to Managing Monarch Butterfly Overwintering Habitat. The Xerces Society publications.

Frey, D., K. Leong, D. Fredericks & S. Raskowitz. 1992. Cluster patterns of monarch butterflies (*Danaus plexippus* (L.) Danaidae: Lepidoptera) at two central California coast overwintering sites. Ann. Entomol. Soc. Am. 85, 149-153.

Frey, D., R. Roman, L. Messett. 2002. Dew-drinking by male monarch butterflies, *Danaus plexippus* (L.). J. Lep. Soc. 56, 90-97.

Frey, D. & A. Schaffner. 2004. Spatial and Temporal Pattern of Monarch Overwintering Abundance in Western North America. In Monarch Butterfly Ecology and Behavior. Karen S. Oberhauser and Michelle J. Solensky, editors. Cornell University Press, Ithaca, NY. Pp. 167-176.

Frey, D. & S. Stevens. 2004. Pre-Construction Monarch Butterfly Survey Report For The Los Osos Water Treatment Facility, Tri-W And Broderson Sites, Los Osos, California. Submitted to Morro Group, San Luis Obispo, Ca, pp. 8

Frey, D. & S. Stevens. 2005. Biological Survey – Monarch butterfly survey report. Project APN 091-201-054 and 055 located off Dawn Road and Albert Way. Submitted to Morro Group, San Luis Obispo, Ca, pp. 19.

Heisler, G. & D. DeWalle. 1988. Effects of windbreak structure on wind flow. Agriculture, Ecosystems and Environment. 22/23, 41-69.

Meade, D. 1999. Monarch Butterfly Overwintering Sites in Santa Barbara County California. Santa Barbara County Department of Planning and Development.

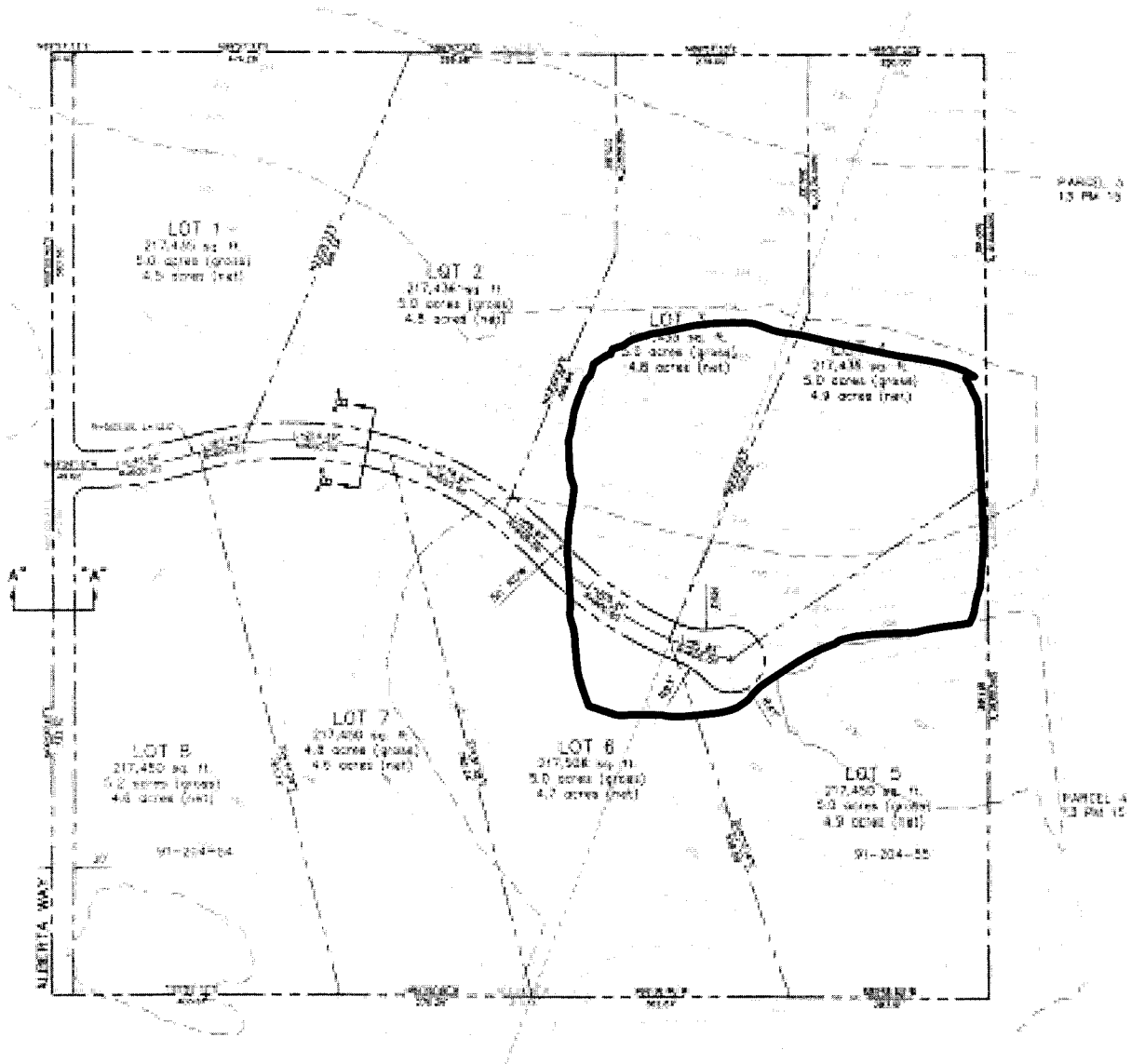
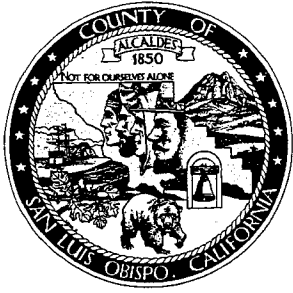


Figure 1. Delineation of the project area for a monarch preserve. Approximate area of the preserve overlaid on Tentative Tract Map C1.0, 05-12-05.

6-50



Figure 2. Delineation of the project area for a monarch preserve. Outline of preserve area on aerial photo. White arrow indicates the probable monarch winter roosting.



6-51
County of San Luis Obispo • Public Health Department

Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

July 30, 2003

James McGillis
P.O. Box 1446
Nipomo, CA 93444

ATTN: JIM MCGILLIS
RE: TENTATIVE TRACT MAP 2524 (GILDER)

Water Supply

This office has on file satisfactory **preliminary** evidence of water. Be advised that comprehensive water supply information will be required for each lot prior to map recordation. The well completion report, pump test and complete chemical analysis shall be submitted and approved prior to map recordation.

Wastewater Disposal

Individual wastewater disposal systems, designed and constructed to meet county and state requirements, should adequately serve the parcels.

Tract 2524 is approved for Health Agency subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

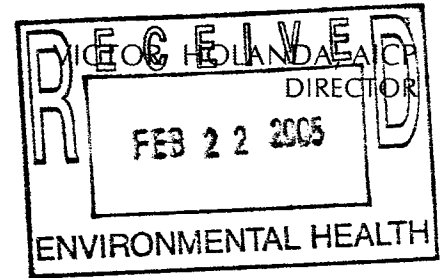
c: Kami Griffin, County Planning



JK - Pacific

6-57

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



PROJECT REFERRAL

DATE: February 18, 2005

TO: Laurie Salo, Env. Health Division TR. 2524 -- S030109T
Project Name and Number

FROM: Jim Lopes
Development Review Section (Phone 781-5975) ()

PROJECT DESCRIPTION: Revised tentative tract map 2524 proposes 8 five-acre lots instead of the original 7, using gross acreage as the allowable base for calculating density, due to offer of trail easement. Laurie, the applicant asks if two wells to serve four lots each can be allowed. Could you respond to that?

Return this letter with your comments attached no later than: March 4, 2005

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

- ☐ YES (Please go on to Part II)
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ NO (Please go on to Part III)
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT", PLEASE INDICATE OR CALL

Please provide applicant with stack condition for on-site wells & on-site septic. The applicant will need to perform extended pump tests on wells proposed to be shared. A minimum of a 12-hour pump test with drawdown & recovery data for each well. See attached shared well requirements.
3/4/05 *Lauri Salo* *781-5351*

Date: *3/4/05* Name: *Lauri Salo*
G:\Current\Geo Teams\Forms\Project Referral

Phone: *781-5351*



Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

SHARED WATER WELL SYSTEM

This information handout has been prepared to assist you in properly designing a shared water well system.

Definition: A shared water well system means a **private** water system consisting of 2, 3, or 4 service connections, with less than 25 yearlong residents, and any number of nonresident individuals less than 60 days per year.

When a shared water well system is proposed as part of a county land use project, the following items shall be provided to this office prior to the approval of said project:

1. A copy of the Well Completion Report (also known as the Water Well Drillers Report, or Well Construction Log).

Note: A) wells constructed with less than a 50 foot annular seal will require installation of an automatic chlorinator at the wellhead.

Note: B) for projects where Environmental Health Services is required to approve a domestic water well, a Well Completion Report shall be provided for all wells proposed for use.

2. A current **minimum** twelve hour pump test, conducted by a licensed, and San Luis Obispo County approved well drilling contractor, or certified pumping contractor, with drawdown and recovery data.

Note: A) "current" information (as used above) is considered not more than 5 years old.

Note: B) the total length of a water well pump test shall be determined on a case-by-case basis via a formal consultation with Environmental Health Services. The project scope and locale will determine the length of pump testing.

3. Current water quality testing, performed by a California State Health Department approved laboratory (again, "current" is considered not more than 5 years old).

Note: the extent of water quality testing shall be determined on a case-by-case basis via a formal consultation with this office.

4. A shared water well legal agreement (to run with the land). Environmental Health Services recommends such an agreement be prepared in consultation with a qualified attorney. Said agreement shall be signed and notarized by all involved property owners. The agreement shall then be officially recorded with the County.
5. Waterline easements shall be created and recorded for waterlines running to each respective parcel. Where a shared water well system is being created in conjunction with a new subdivision, said waterline easements shall be shown on the final subdivision map.
6. For projects involving a new subdivision map (or as required via County land use permitting process), documentation shall be submitted verifying that waterlines have been installed to each respective parcel (i.e., to the boundary line of each parcel).
7. A shared water well system review fee (said fee is separate from any fees paid through the County Planning and Building Department).

Please contact this office at the above number should you require further assistance.

6-55



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY
AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910
FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

DATE: February 25, 2005

TO: Jim Lopes, Planner III

FROM: Lynda L. Auchinachie, Agriculture Department *LA*

SUBJECT: Gilder Trust Tract Map S030109T (0994)

RECEIVED

FEB 28 2005

SLO CO PLANNING & ZONING

Summary

The Agriculture Department's review finds that the proposal to subdivide a forty acre project site into eight parcels of approximately five acres each for residential development within the Residential Rural land use category will have less than significant impacts to agricultural resources or operations with the incorporation of the following mitigation measures into the project.

Recommended Mitigation Measures

1. An agricultural buffer of 300 feet from the greenhouse facilities and potential future greenhouses/outdoor nursery growing grounds is recommended. This would result in a 185-foot buffer along the entire length of the western property line of proposed Parcels 1 and 8. The buffer applies to future residential homes. The buffer is not intended to restrict other appropriate land uses such as detention basins other uses that are not for human occupancy.
2. All future residences should incorporate sound reducing construction and inclusion of air conditioning or mechanical ventilation that would serve to reduce noise impacts
3. To reduce glare impacts caused by night lighting, the eucalyptus trees on the western portion of proposed Parcels 1 and 8 should be retained.
4. Provide detailed supplemental disclosure to purchasers/occupants of all parcels created by this proposal that a greenhouse/nursery facility is located in close proximity. The disclosure shall identify the facility operates 24-hours a day and includes, but is not limited to, the following activities that may result in noise, dust, glare, and odors: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractors, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), agricultural chemical application, motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, composting, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

Project Description and Agricultural Setting

The applicant is requesting to subdivide a 40-acre project site into eight parcels of approximately five acres each for residential development. The project site is located on the northeast corner of Dawn Road and Albert Way, on the Nipomo Mesa, directly north of the Woodlands development.

The project site and surrounding properties are within the Residential Rural land use category. Several greenhouse/nursery facilities are located in the area including All Seasons Flowers, which is one of the largest greenhouse/nursery facilities in the county totaling over 280 acres. Sixty acres of the All Seasons facility are located directly west of the project site. This area consists of several greenhouses, outdoor growing grounds, offices, packing/loading/delivery facilities, and other uses accessory to the floral business. The facility meets market demands by operating 24-hours a day. Activities that occur throughout the day and night include, but are not limited to, flower and plant cultivation, tractor/truck operation, heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), agricultural chemical application, motorized greenhouse opening/closing and fan operations, packing and loading, employee arrival/departures, composting, and intensive night lighting. Many of these activities generate noise that is particularly noticeable during night and early morning hours.

Impacts to Adjacent Agricultural Lands

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability and protection of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

The adjacent All Seasons Flowers greenhouse/nursery facility is an intensive 24-hour a day agricultural operation. The proposed residences could be incompatible with the greenhouse/nursery operation because of the noise associated with the operations, night lighting, dust, and odors. The existing topography and vegetation do not provide adequate screening to reduce impacts. To mitigate these impacts to less than significant levels, the following mitigation measures should be incorporated into the project.

6-57

Recommended Mitigation Measures

The Agriculture and Open Space Element, AGP 17: Agricultural Buffers, promotes the protection of land with agricultural production using buffers in accordance with the agricultural buffer policy Appendix D.

The buffer range for greenhouse nurseries is 100-300 feet and 100-500 feet for outdoor nurseries. For this project we recommend the following:

1. An agricultural buffer of 300 feet from the greenhouse facilities and potential future greenhouses/outdoor nursery growing ground. This would result in a 185-foot buffer along the entire length of the western property line of proposed Parcels 1 and 8. The buffer applies to future residential homes. The buffer is not intended to restrict other appropriate land uses such as detention basins other uses that are not for human occupancy.
2. All future residences should incorporate sound reducing construction and inclusion of air conditioning or mechanical ventilation that would serve to reduce noise impacts.
3. To reduce glare impacts caused by night lighting, the eucalyptus trees on the western portion of proposed Parcels 1 and 8 should be retained.
4. Provide detailed supplemental disclosure to purchasers/occupants of all parcels created by this proposal that a greenhouse/nursery facility is located in close proximity. The disclosure shall identify the facility operates 24-hours a day and includes, but is not limited to, the following activities that may result in noise, dust, glare, and odors: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractors, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), agricultural chemical application, motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, composting, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

If we can be of further assistance, please call 781-5914.



**SAN LUIS OBISPO
COUNTY PARKS**

MEMO

TO: South County Team
FROM: Alex McDonald
DATE: October 30, 2003
RE: **Gilder Trust Tract Map (TR 2524) (S030109T)**

This memo is regarding the subdivision of Assessor Parcel Number 091-201-054 & 55, located on the northwest corner of the intersection of Albert Way and Dawn Road. Under the proposed project, the existing parcels would be subdivided into seven parcels to be used for residential development.

After County Parks review of the project, proposed trail corridors along Albert Way and Dawn Road were identified within the vicinity of the proposed project. A previous condition attached to the Woodlands Tract Map (TR2341) located to the south of the subject property required the applicant to construct a trail corridor along Dawn Road's street frontage. Because of the existing conditioned trail corridor along the southern frontage of Dawn Road, there will be no condition for a trail corridor along the northern street frontage of Dawn Road attached to the Gilder Trust Tract Map .

The Parks Division will however require the following:

1. Require applicant to pay Quimby and applicable Building Division fees.
2. The applicant shall construct the following trail corridor:
 - A. A detached trail to the County's A-1(x) standard along the Albert Way street frontage extending from the northwestern property corner of proposed Lot 1 to the southwestern property corner of proposed Lot 4 as is shown on the Tentative Tract Map.

Prior to approval of the project's Final Map or improvement plans (whichever occurs first), the Parks Division shall review and approve the proposed location of the trail corridor along Albert Way. If the applicant cannot provide the required trail corridor within the road right-of-way, the applicant shall provide a trail easement or in fee dedication (as necessary) for the required trail corridor with the final map.

If you have any questions regarding project requirements please give me a call at 781-4388.
Thank you for the opportunity to comment.

c: Jim McGillis, P.O. Box 1446, Nipomo, CA 93444

6-59 B2 Gilder
Tract 2524



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

October 23, 2003

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Tract Map Project # Tract 2524/Gilder

Dear South County Team,

I have reviewed the referral for the tract map plans for the proposed 7 parcel subdivision project located at Alberta Way and Dawn Rd., Nipomo. This project is located approximately 6-8 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:
 - Parcels less than 1 acres 800 feet
 - Parcels 1 acre to 4.99 acres 1320 feet
 - Parcels 5 acres to 19.99 acres 2640 feet
 - Parcels 20 acres or larger 5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.

6-60

- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.
- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - o 0-49 feet, 10 feet is required
 - o 50-199 feet, 12 feet is required
 - o Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

- ☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.
- ☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 foot firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,

Gilbert R. Portillo
Fire Inspector

cc: Mr. James Gilder, owner



6-61
**AIR POLLUTION
CONTROL DISTRICT**
COUNTY OF SAN LUIS OBISPO

DATE: July 21, 2005

TO: James Lopes
San Luis Obispo County Department of Planning and Building

FROM: Melissa Guise *MAC*
San Luis Obispo County Air Pollution Control District

SUBJECT: Glider Parcel Split (S030109T/TR 2524)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located on Alberta Way in Nipomo. We originally submitted comments on this project on October 23, 2003. I have updated our comment letter to include measures to mitigate potential air quality impacts should this project move forward against our recommendation.

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan, which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development.

The District understands that under the County's Land Use Ordinance parcels within the Residential Rural category can be subdivided to a minimum lot size of five acres. We also recognize that there are significant human-interest issues that are difficult to overcome, such as the desire of some applicants to settle estate matters through property splits. However, we believe it is important to emphasize to decision makers that subdivision and future development on these, and similar rural parcels throughout the county allows a pattern of development to continue that is ultimately unsustainable in the long run. Such development cumulatively contributes to existing stresses on air quality, circulation and other natural and physical resources and infrastructure that cannot be easily mitigated. We do not support this type of development.

Should the project move forward against our recommendation then the following measures should be incorporated into the project to mitigation air quality impacts.

1. Fugitive Dust Mitigation

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the APCD's 402 "Nuisance" Rule. Any project with a grading area greater than 4.0 acres exceeds the APCD's PM10 quarterly threshold. **This project exceeds this threshold and shall be conditioned to comply with all applicable Air Pollution Control District regulations pertaining to the control of fugitive dust (PM10) as contained in section 6.5 of the Air Quality Handbook. All site grading and demolition plans noted shall list the following regulations:**

Glider Parcel Split (S030109T/TR2524)

July 21, 2005

Page 2 of 3

- a. Reduce the amount of the disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible,
- c. All dirt stock pile areas should be sprayed daily as needed,
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

2. Demolition Activities

The project referral did not indicate whether existing structures on the proposed site will be demolished. Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Glider Parcel Split (S030109T/TR2524)

July 21, 2005

Page 3 of 3

3. Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

4. Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

5. Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- a. All EPA-Certified Phase II wood burning devices;
- b. Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab,
- c. Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally recognized testing lab;
- d. Pellet-fueled woodheaters;
- e. Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contract me at (805) 781-4667.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division
Karen Brooks, SLOAPCD Enforcement Division

Attachment

h:\ois\plan\response\2795-2a.doc

DEPARTMENT OF TRANSPORTATION

50 HIGUERA STREET
SAN LUIS OBISPO, CA 93401-5415
PHONE (805) 549-3111
FAX (805) 549-3329
TDD (805) 549-3259
<http://www.dot.gov/dist05>



*Flex your power!
Be energy efficient!*

August 10, 2005

SLO – 101 PM 4.85
Mitigated Negative Declaration
Notice of Completion

SCH # 2005071050

Brian Pedrotti
County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408 – 2040

Dear Mr. Pedrotti;

Re: West Teft LLC Tract Map & Conditional Use Permit Ed 04-322

The California Department of Transportation (Department) has reviewed the above referenced project and as a result, the following comments were generated.

General Comments

Development on the Nipomo Mesa continues to add traffic to an existing system of local roads and State highway facilities that are congested to a point of theoretical failure, that is, at Level of Service (LOS) "F". The U.S. Route 101/Teft Street interchange (I/C) is an example of a State Highway Facility that operates during the a.m. peak hour at LOS "F". The West Teft LLC project will have the effect of adding to the existing traffic congestion problem at the 101/Teft Street I/C.

The Department is charged with the responsibility to review both public and private development projects within the county and comment on their respective traffic and other impacts to State highway facilities. The Department considers the addition of any project-generated traffic to a State highway facility that operates at LOS "F" to be a significant impact per our *Guidelines for the Preparation of Traffic Impact Studies*, and therefore, under CEQA (Public Resources Code, Division 13, *Environmental Quality*, Section 21068, *Significant Effect on the Environment*).

As such, the addition of West Teft LLC Project traffic would add to control delay per vehicle at the intersection and therefore constitute project-specific traffic impacts on State highway facilities.

Specific Comments

1. (Section C, *Environmental Analysis*, # 12, *Transportation/Circulation - Impact*) The Department does not agree with the findings in the Initial Study statement that, "all existing roadways and intersections affected by the proposed project are currently operating at acceptable levels of service for urban roadways." A traffic impact study was not provided in the environmental documentation so the above statement, nor the additional statement that, "no project specific traffic impacts would occur (at existing roadways & intersections)" cannot be verified. Traffic data available to the Department however, contradicts the above statement regarding current LOS. A traffic study should be included in the environmental documentation.

The statement in the same subsection states incorrectly that cumulative traffic conditions would lead to LOS "F" conditions at Highway 101 & Teft Street I/C. That statement is incorrect because LOS "F" conditions exist at that location now.

2. (Section C, *Environmental Analysis*, # 12, *Transportation/Circulation - Mitigation/Conclusion*) Required as traffic mitigation in the environmental document is this project's contribution into the, *South County Traffic Impact Fee Program, 2005 update*, (SCTIFP) for improvements at Highway 101 & Teft Street. The SCTIFP lists the county's current project (Project Study Report – PSR) for the south bound on-ramp @ 101/Teft Street as being # 14 in funding priority with construction ready to commence by 2010.

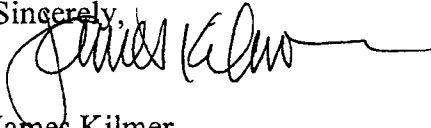
Since the southbound-ramp project will be entirely funded by traffic impact fees from private development, and since it is so far down the list in funding priorities in the local impact fee program's list of capital improvement projects, The Department requests that a definitive scheme to identify & implement the full funding necessary at the project's scheduled construction date be prepared. This would require that the SCTIFP monitor the progress for the 101/Teft Street Southbound Ramp PSR to provide the required funding of that project at the various stages of project development, e.g., Project Approval & Environmental Document (PA&ED) through construction, in order to provide necessary funding at each of the project's development phases. A traffic impact study that identifies the West Teft LLC project's, project-specific traffic impacts could provide the basis for a source of additional funds for that project's development.

6-66

Mr. Pedrotti
August 10, 2005
Page 3

The Department appreciates the opportunity to comment on this project and continue its efforts to protect the investment made by the citizens of the State of California in their State highway system. If you have any questions, please contact me at 549-3683

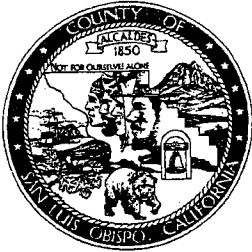
Sincerely,



James Kilmer
District 5
Development Review/CEQA Coordination

c: File,
D. Murray
R. Barnes
T. Houston
T. Farris
R. Marshall – SLO County Public Works

6-67



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

August 10, 2005

MEMORANDUM

TO: Brian Pedrotti, Planning & Building

FROM: Richard Marshall, Development Services Engineer *RM*

SUBJECT: West Tefft LLC – Tract 2690

RECEIVED - 05 IGR
2005 AUG 15 AM 9:05

I have reviewed the correspondence we received today from Caltrans District 5 staff regarding the subject project. I respectfully disagree with the comments in that letter. Public Works Department staff has been closely monitoring traffic service levels in the vicinity of the Tefft Street interchange for many years. In the past few months, there has arisen specific concern that traffic may have exceeded the threshold for acceptable Level of Service (LOS "E") during peak hours.

We are in progress on the annual update of the South County Circulation Study. As part of that effort, our consultant collected new traffic count data in October, 2004, and calculated traffic service levels from that data. Our finding is that traffic is operating at LOS "D" or better at the current time. The addition of project traffic will not cross the threshold into unacceptable service levels.

Therefore, payment of the Road Improvement Fee is the appropriate mitigation measure for this and other current projects' cumulative impacts. The Department will be going to the Board of Supervisors in September with the update of the Circulation Study, at which time the Board will give us direction on specific strategies to implement the necessary road and intersection improvements in a timely manner.

Please call me at 781-5280 if you have questions or need additional information.

C: Dale Ramey, Transportation Division
James Kilmer, Caltrans District 5

File: Tract 2690
Transportation Planning - South County

Arterial Intersection Operations

Traffic operations results for the arterial intersections are presented in Table 5, and calculation worksheets are included in Appendix B. The existing conditions LOS results reveal that the Southbound US 101 Ramp intersection with Tefft Street operates at LOS E during the AM and PM peak hours. The poor operation of this intersection is a result of the atypical approach configuration with the southbound on-ramp that essentially forms the "fifth leg." of this intersection, as well as the overall traffic demand. This fifth leg requires complex signal timings that result in reduced efficiency.

Table 5 Intersection LOS Summary – Existing Conditions			
Intersection	Traffic Control	LOS / Delay (Sec. / Veh.)	
		AM Peak Hour	PM Peak Hour
Southbound US 101 Ramps / Los Berros Road	Side Street Stop	B / 13.5	C / 18.1
Northbound US 101 Ramps / Los Berros Road	Side Street Stop	C / 17.7	C / 21.4
Willow Road / Pomeroy Road	Side Street Stop	A / 9.5	B / 10.6
Willow Road / Hetrick Avenue	Side Street Stop	A / 9.1	A / 0.1
Southbound US 101 Ramps / Tefft Street	Signal	E / 65.9	E / 62.3
Northbound US 101 Ramps / Tefft Street	Signal	C / 25.0	C / 34.5
Notes: ¹ Signalized intersection LOS based on average intersection delay, based on the methodology in the <i>Highway Capacity Manual</i> , 2000 Edition. ² All-way stop-controlled intersection LOS based on average intersection delay, based on the methodology in the <i>Highway Capacity Manual</i> , 2000 Edition. Source: Fehr & Peers, October 2003.			

Improvements

In order to improve traffic operations at this intersection, various improvements were analyzed to determine what could be done. Based on this analysis, it was determined that if a northbound right-turn lane were added to the South Frontage Road, this intersection's operations could improve to LOS C in the AM peak hour and LOS D in the PM peak hour.

Accident Data

Accident data was provided by Caltrans for the 3-year period from January 2000 to December 2002 for the freeway mainline between Los Berros Road and Tefft Street and at or near the ramp junctions of these two existing interchanges. This information indicated that a total of 66 accidents occurred on the US Highway 101 mainline, and 32 accidents occurred in the vicinity of a ramp junction. For both sets of data, nearly 60 percent of the accidents occurred in the northbound direction. The data for each facility type is presented below. It should be noted that a fatal collision occurred in January 2004 on the southbound off-ramp to Tefft Street. This accident, which involved an intoxicated driver, was not included in the data set from Caltrans but is acknowledged here.

6-69

SLO CNTY
PLANNING/BUILDING
DATE: August 30, 2005

2005 SEP -5 PM 3:58

**DEVELOPER'S STATEMENT FOR GILDER TENTATIVE TRACT MAP
ED 03-493 (S030109T -- TR 2524)**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

Agricultural Resources

- AG-1. An agricultural buffer to separate residential buildings from the adjacent greenhouse nursery shall be delineated on the Additional Map Sheet, to be approved by the Department of Planning and Building. Limitations that exclude residential units shall be identified on an Additional Map Sheet and in Conditions, Covenants and Conditions (CC&Rs). The allowed uses such as accessory buildings and other uses not intended for human habitation shall be identified.
- AG-2. The Additional Map Sheet and CC&Rs shall include a requirement to provide sound-reducing construction and mechanical ventilation within all future residences, to maintain an interior noise level no higher than 45 decibels in accordance with the county Noise Element, to be approved by the Department of Planning and Building.
- AG-3. To reduce glare from nursery lighting, the Eucalyptus trees on the western edge of Parcels 1 and 8 shall be retained within a setback of 40 feet from the western property line, to be shown on the Additional Map Sheet, within a permanent conservation easement to be recorded before recordation of the Final Map. Replacement of diseased, dying, or dead Eucalyptus trees shall be required within the easement; similar evergreen trees (such as *Tristania conferta* – Brisbane box) may be allowed instead of the existing species. The permanent use of this lighting buffer shall be described on the Additional Map Sheet and the conservation easement to be exclusively for trees, landscaping and fencing.
- AG-4. Disclosure of the nursery to purchasers and occupants of all parcels shall be required that identifies the 24-hour nature of operation and its activities, as well as the county Right to Farm Ordinance, on the Additional Map Sheet.

Monitoring Items AG-1 through AG-4: Compliance will be verified by the Department of Planning and Building, in consultation with the Agriculture Department.

Air Quality

The following shall be shown on the Additional Map Sheet, and on other applicable plans as noted:

AQ-1. All site grading and demolition plans noted shall list the following regulations:

- a. Reduce the amount of the disturbed area where possible,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible,
- c. All dirt stock pile areas should be sprayed daily as needed,
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities,
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating native grass seed and watered until vegetation is established,
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD,
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used,
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site,
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114,
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site, and
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible

All PM10 mitigation measures required should be shown on grading and building plans. In addition, the contractor or builder should designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport

6-11

of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. **The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and finished grading of the area.**

AQ-2. Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

AQ-3. Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slcleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

AQ-4. Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Monitoring Items AQ-1 through AQ-4: Compliance will be verified by the Department of Planning and Building, in consultation with the Air Pollution Control District.

Biological Resources

- BR-1. The applicant shall utilize a Eucalyptus tree retention area for potential Monarch butterfly habitat on Lots 3 and 4 of the tract map, consistent with the map provided by the biologist, to be located on the Additional Map Sheet before recordation, to be approved by the Department of Planning and Building. The area shall be identified to be appropriate and adequate as a roosting area, consistent with the biologist's Monarch Butterfly Survey Report dated March, 2005. The area shall be proposed as permanent open space through an open space easement for these parcels prior to Final Map recordation, with deed restrictions limiting activity that shall be approved by the biologist.
- BR-2. The applicant shall identify building sites on lots 3 and 4 on the Additional Map Sheet before recordation, to be approved by the Department of Planning and Building, that provide adequate buffer between the Eucalyptus tree retention area and conflicting residential activity. Building sites shall be shown on the Additional Map Sheet on the other proposed lots that retain 20 percent of the existing trees throughout the site by a variety of means such as individual groves and/or along property line setbacks.
- BR-3. The Additional Map Sheet shall contain a notice, to be approved by the Department of Planning and Building that prior to tract improvements and residential construction, a survey shall be completed of the project area to identify any raptor-occupied nest and postpone removal of trees in its vicinity until it is abandoned.

Monitoring Items BR-1 through BR-3: Department of Planning and Building, in consultation with the Environmental Coordinator, will review the Additional Map Sheet and the easement for approval.

Noise

- N-1. The Additional Map Sheet and the Conditions, Covenants and Conditions shall contain a requirement that all future residences shall incorporate sound-reducing construction and include air conditioning or mechanical ventilation that will reduce interior noise levels to or below 45 decibels, to be approved by the Department of Planning and Building.

Monitoring Item BR-1 through BR-3: Department of Planning and Building, in consultation with the Environmental Coordinator, will review the Additional Map Sheet and the CC&Rs for approval.

6-73

Water Supply

- W-1. Prior to approval of tract improvements, the applicant shall show how the initial landscaping will have low-water usage, in a Landscape Plan to be approved by the Department of Planning and Building. As applicable, at a minimum the following shall be used: (1) all common area and residential irrigation shall employ low water use techniques (e.g., drip irrigation); (2) residential landscaping shall not exceed 50 percent lawn surface (up to 800 sq. ft. maximum per lot) with remaining landscaping being drought-tolerant and having low water requirements (e.g. use of native vegetation, etc.); (3) all common area landscaping shall use no turf or other water intensive groundcover and will use ornamental native plants where feasible. This guidance shall be included in the CC&Rs for future lot owners.
- W-2. The Additional Map Sheet shall include a notice, to be approved by the Department of Planning and Building to future lot owners that: All water fixtures installed (including showers, faucets, etc.) that are not specified in the Uniform Plumbing Code shall be of "ultra low flow" design, where applicable. Water using appliances (e.g., dishwashers, clothes washers, etc.) shall be of high water efficiency design. These shall be shown on all applicable plans prior to permit issuance.

Monitoring Item W-1 and W-2: Department of Planning and Building, in consultation with the Environmental Coordinator, will review the Landscape Plan, Additional Map Sheet and CC&Rs for approval and be available to assist on native and drought-tolerant plant guidance.

The applicant understands that any changes made to the project subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Dolores E. Gilder
Elaine Lanini

Signature of Owner(s)

Roxanne J. Ware

Date

9/6/05

Dolores E. Gilder

Name (Print)

ELOISE LANINI

Roxanne J. Ware